O. Succession/50

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File No.

Legal Department

A **BRANCH**

Subject:—

Opinions under the

Indian Succession Act, 1872.

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O. Succession/50

File No.

Gen. 194 e.

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C O N T E N T S.

Legal Department File No. O Succession /50.

Sr. No.	Compilation No.	Subject.	Pages.
		Opinions under the Indian Succession Act, 1872.	
1)	O.No. 6455/11-5-50.	Indian Succession Act, 1865 Sec. 332 Indian Succession Act, 1925 Sec. 3 Question whether birth of a child of parents married under the Special Marriage Act, 1872 is registrable under the Births, Deaths and Marriages, Registration Act, 1886.	1-2.
2)	O.No. 15364/3-11-50.	Question regarding making payment of the amount of the deceased to the person who has produced succession certificate from the Distt. Judge Sachin in addition to the order of Nayab of Sachin certifying him to be only & legal heir of the deceased even when theere is another legal heir who has not put in his claim.	3-6.

N.V.D.
6/7
4c.

P.M. 6/8

Advs. 6/8

Office of the R.L.A.

It does not appear that any order has been issued either under section 332 of the Indian Succession Act, 1865, or section 3 of the Indian Succession Act, 1925, exempting the issues of persons marrying under the Special Marriage Act, 1872, from the operation of the Indian Succession Act.

Sd/- 10/5

Remembrancer of Legal Affairs.

U.P. to L.S.G. & F.E.L. No. 6455, dated the 11th May 1950.

N.W.D.
6/7
4c.

L.L.R. I.No. 18735 d/- 15-10-50.

Submitted.

2. The facts of the case ~~as~~ in brief may ~~xxx~~ be stated as follows:- Out of the total amount of Rs. 12757-8-2 standing as a deposit in the name of Late Lt. Col. Sahezada M.A. Karimkhan in the treasury records of Sachin, payment to the extent of Rs. 7557-8-2 was made against the deposit amount, on various items mentioned by the Collector in his report at page 15 ante and a balance of Rs. 5,200/- now stands against his credit. Shri Nawabzada Afzaluddin Ahmedkhan, the son-in-law of late Lt. Col. Karimkhan, has now approached this Govt. for the return of the said amount on the ground that he is the legal heir and representative of the deceased Karimkhan. It is reported that the late Col. has no direct heirs, his wife and daughter having already expired. He has, however, one brother in village Lajpore of Chorasi Taluka, but he has not so far claimed for the above-mentioned ~~xxxxx~~ amount. After the death of his wife, Nawabzada Afzaluddin Ahmedkhan, the present claimant has married for a second time.

By G.L. dated 8-12-49, the Collector of Surat was requested to ~~ask~~ the claimant, Ahmedkhan, to produce a succession certificat from a competent Civil Court but he refers to the order of His Highness the Nawab of Sachin ordering the payment of the amount to the applicant and contends that that order be treated as conclusive, final and

and final and binding. The applicant further states that he has submitted to the Collector the succession certificate dated 15-12-1946 granted to him by the District Judge, Sachin, certifying that he is the legal heir and representative of the Late Lt. Col. Karimkhan (a copy of which is not submitted to this Deptt along with the papers). In P.& S.D. note at page 33 ante, it has been suggested that both the brother of the deceased and the present claimant may be asked to obtain a succession certificate from the same Civil Court in order to avoid any possible conflict. In their opinion it is necessary for the present claimant, Shri Ahmedkhan, to produce a certificate from a competent Civil Court again as the order passed by His Highness the Nawab of Sachin just prior to the merger is of suspicious natureand the certificate said to have been granted by the District Judge, Sachin, is of doubtful validity. P.L.A. has been requested to advise in the matter.

N.V.D.
6/7
4c.

The view taken by P & S.P. is correct. Both the claimants should be directed to obtain a succession certificate from the court.

R.T.H.
31/10.

R.L.H. Sd. / 1/11

U.R. to P & S.P. No. 15364 dt. 3-11-50